

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse, and gang-related offenses), including technical assistance and training to counsel and treat such offenders.

"SEC. 1702. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of this title—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1703. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Corrections, shall make a grant under section 1701(a) to carry out the projects described in the application submitted by such applicant under section 1702 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1701(b).

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1704. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1701(b).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1701 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Director has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1705. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 1701 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1701.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1701, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) GENERAL REQUIREMENT.—Notwithstanding the provisions of subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Director of the Bureau of Justice Assistance.

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1706. EVALUATION.

"(a) IN GENERAL.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in paragraph (1) if the Direc-

tor determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section."

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking the matter relating to part Q and inserting the following:

"PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1701. Grant authorization.

"Sec. 1702. State applications.

"Sec. 1703. Review of State applications.

"Sec. 1704. Local applications.

"Sec. 1705. Allocation and distribution of funds.

"Sec. 1706. Evaluation.

"PART R—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings."

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), is amended by adding after paragraph (23) the following:

"(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment."

SEC. 1102. AUTHORIZATION OF APPROPRIATION.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated \$200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part Q."

Pending consideration of said motion to recommit with instructions,

¶137.15 POINT OF ORDER

Mr. BROOKS made a point of order against the motion to recommit with instructions, and said:

"Mr. Speaker, I make a point of order that the motion is non germane.

"Mr. Speaker, it is the entire Republican crime bill tacked onto this bill, which is not pertinent to all of those programs and is well beyond the scope of the bill that is before us."

Mr. McCOLLUM was recognized to speak to the point of order and said:

"I do wish to be heard, Mr. Speaker, on the point of order. This bill on the motion to recommit involves a number of provisions that are very vital to this House and that we have not had a chance to vote on today, including measures that are very definitely related to the high rate of juvenile crime we have in this country. In fact, the juvenile crime rate, which is what we are talking about—the juvenile crime rate in this country is where the big prob-

lem is today, sadly. It is there we have the violent crimes that are causing a great deal of concern among our American citizenry.

"We have such an enormous growth in violent crime in this country among juveniles that it is a sad story that the Wall Street Journal reports that the district attorneys around this Nation say the single most important issue facing them is revising the laws of this Nation to solve that problem.

"So I propose today in this motion to recommit one simple thing, something that has not been out here on the floor before that should have been long ago, something that addresses the violent crime problem among the youth of this country and the violent crime problem generally in the only way we can get at it. It addresses the problem of the revolving door.

"This proposed motion to recommit is in order, it is the comprehensive Republican crime proposal. It is in order, I would submit to the Speaker, because it is indeed the root cause of the problems being addressed in this bill. It is the only way to get at it. We have all kinds of ways of getting at that. And the scope of the bill before us today is indeed broad enough to encompass this entire problem.

"The crux of this matter is that we have not faced the issue squarely. We need to face the fact we do not have enough prisons to house these folks in. We have a revolving door that basically the motion to recommit would establish that. We need to mend the law of the endless appeals of habeas corpus appeals by death row inmates, restore the death penalty at the Federal level. We have not had a vote on any of that in this session of Congress out on the floor, and this is one opportunity to have that vote today on this motion to recommit. It should be made in order, it should be put out. I tried to get it before the Rules Committee. We do not have it out here, and I submit this is the only way that this body can really address the violent crime problem facing our country today, Mr. Speaker."

The SPEAKER pro tempore, Mr. GEPHARDT, sustained the point of order, and said:

"The Chair is prepared to rule.

"The gentleman from Texas makes the point of order that the amendment proposed in the motion to recommit offered by the gentleman from Florida is not germane to the bill.

"The test of germaneness in the case of a motion to recommit with instructions is the relationship of those instructions to the bill as perfected in the House.

"In order to be germane, an amendment must relate to the subject matter under consideration. The bill as perfected narrowly amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a program of grants to States and local governments to develop alternatives to traditional incarceration of and unsupervised probation for youthful offenders.

"On the other hand, the amendment proposed in the motion offered by the gentleman from Florida goes beyond the subject of alternative punishments for youthful offenders and proposes and omnibus crime bill.

"Accordingly, the Chair finds that the amendment is not germane and, therefore, that the motion to recommit is not in order."

Mr. MCCOLLUM appealed the ruling of the Chair.

Mr. BROOKS moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. MCCOLLUM demanded a recorded vote on the motion to lay the appeal on the table, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 251
affirmative Nays 172

¶137.16

[Roll No. 586]

AYES—251

Abercrombie	Durbin	Kopetski
Ackerman	Edwards (CA)	Kreidler
Andrews (ME)	Edwards (TX)	LaFalce
Andrews (NJ)	Engel	Lambert
Andrews (TX)	English (AZ)	Lancaster
Applegate	English (OK)	Lantos
Bacchus (FL)	Eshoo	LaRocco
Baesler	Evans	Laughlin
Barca	Farr	Lehman
Barcia	Fazio	Levin
Barlow	Fields (LA)	Lewis (GA)
Barrett (WI)	Filner	Lipinski
Becerra	Fingerhut	Lloyd
Beilenson	Flake	Long
Berman	Foglietta	Lowey
Bevill	Ford (MI)	Maloney
Bilbray	Ford (TN)	Mann
Bishop	Frank (MA)	Manton
Blackwell	Frost	Margolies-
Bonior	Furse	Mezvinsky
Borski	Gejdenson	Markey
Boucher	Gephardt	Martinez
Brewster	Geren	Matsui
Brooks	Gibbons	Mazzoli
Browder	Glickman	McCloskey
Brown (CA)	Gonzalez	McCurdy
Brown (FL)	Gordon	McHale
Brown (OH)	Green	McKinney
Bryant	Gutierrez	McNulty
Byrne	Hall (TX)	Meehan
Cardin	Hamburg	Meek
Carr	Hamilton	Menendez
Chapman	Harman	Mfume
Clay	Hastings	Miller (CA)
Clayton	Hayes	Mineta
Clement	Hefner	Minge
Clyburn	Hilliard	Mink
Coleman	Hinchey	Moakley
Collins (IL)	Hoagland	Mollohan
Collins (MI)	Hochbrueckner	Montgomery
Condit	Holden	Moran
Coyers	Hoyer	Murphy
Cooper	Hughes	Murtha
Coppersmith	Hutto	Nadler
Costello	Inslee	Natcher
Coyne	Jacobs	Neal (MA)
Cramer	Jefferson	Neal (NC)
Danner	Johnson (GA)	Oberstar
Darden	Johnson (SD)	Obey
de la Garza	Johnson, E. B.	Olver
Deal	Johnston	Ortiz
DeFazio	Kanjorski	Orton
DeLauro	Kaptur	Owens
Dellums	Kennedy	Pallone
Derrick	Kennelly	Parker
Deutsch	Kildee	Pastor
Dingell	Kleczka	Payne (NJ)
Dixon	Klein	Payne (VA)
Dooley	Klink	Pelosi

Penny	Schumer
Peterson (FL)	Scott
Peterson (MN)	Serrano
Pickett	Sharp
Pomeroy	Shepherd
Poshard	Sisisky
Price (NC)	Skaggs
Rahall	Skelton
Rangel	Slaughter
Reed	Smith (IA)
Reynolds	Spratt
Richardson	Stark
Roemer	Stenholm
Rose	Stokes
Rostenkowski	Strickland
Rowland	Studds
Roybal-Allard	Stupak
Rush	Swett
Sabo	Swift
Sanders	Synar
Sangmeister	Tanner
Sarpalius	Tauzin
Sawyer	Taylor (MS)
Schenk	Tejeda
Schroeder	Thompson

Thornton
Thurman
Torres
Torricelli
Towns
Trafigant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—172

Allard	Goodling	Myers
Archer	Goss	Nussle
Armey	Grams	Oxley
Bachus (AL)	Grandy	Packard
Baker (CA)	Greenwood	Paxon
Baker (LA)	Gunderson	Petri
Ballenger	Hancock	Pombo
Barrett (NE)	Hansen	Porter
Bartlett	Hastert	Portman
Barton	Hefley	Pryce (OH)
Bateman	Herger	Quillen
Bentley	Hobson	Quinn
Bereuter	Hoekstra	Ramstad
Bilirakis	Hoke	Ravenel
Bliley	Horn	Regula
Blute	Houghton	Ridge
Boehlert	Huffington	Roberts
Boehner	Hunter	Rogers
Bonilla	Hutchinson	Rohrabacher
Bunning	Hyde	Ros-Lehtinen
Burton	Inglis	Roth
Buyer	Inhofe	Roukema
Callahan	Istook	Royce
Calvert	Johnson (CT)	Santorum
Camp	Johnson, Sam	Saxton
Canady	Kasich	Schaefer
Castle	Kim	Schiff
Coble	King	Sensenbrenner
Collins (GA)	Kingston	Shaw
Combest	Klug	Shays
Cox	Knollenberg	Shuster
Crane	Kolbe	Skeen
Crapo	Kyl	Smith (MI)
Cunningham	Lazio	Smith (NJ)
DeLay	Leach	Smith (OR)
Diaz-Balart	Levy	Smith (TX)
Dickey	Lewis (CA)	Snowe
Doolittle	Lewis (FL)	Solomon
Dornan	Lightfoot	Spence
Dreier	Linder	Stump
Duncan	Livingston	Sundquist
Dunn	Machtley	Talent
Emerson	Manzullo	Taylor (NC)
Everett	McCandless	Thomas (CA)
Ewing	McCollum	Thomas (WY)
Fawell	McCrery	Torkildsen
Fields (TX)	McDade	Upton
Fish	McHugh	Vucanovich
Fowler	McInnis	Walker
Franks (CT)	McKeon	Walsh
Franks (NJ)	McMillan	Weldon
Galleghy	Meyers	Wolf
Gallo	Mica	Young (AK)
Gekas	Michel	Young (FL)
Gilchrest	Miller (FL)	Zeliff
Gillmor	Molinar	Zimmer
Gilman	Moorhead	
Goodlatte	Morella	

NOT VOTING—10

Cantwell	Hall (OH)	Stearns
Clinger	McDermott	Washington
Dicks	Pickle	
Gingrich	Slattery	

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.